

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**Unknown Parties, *et al.*,**

*Plaintiffs,*

v.

**Chad Wolf, *et al.*,**

*Defendants.*

**No. CV-15-00250-TUC-DCB**

**DECLARATION OF MIGUEL LEON**

I, Miguel Leon, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge and information made known to me from official records reasonably relied upon by me in the course of my official duties, hereby declare as follows relating to the above-titled matter.

1. I am an Assistant Chief Patrol Agent (ACPA) for the United States Border Patrol (USBP), Tucson Sector, located in Tucson, Arizona. Tucson Sector includes the following holding and processing areas: the Tucson Coordination Center (TCC), Ajo Station, Brian A. Terry Station, Casa Grande Station, Douglas Station, Nogales Station, Sonoita Station, and Willcox Station. I have been employed in this capacity since February 10, 2020. Prior to my current appointment, I was the Patrol Agent in Charge of the Tucson Sector Intelligence Unit from August 20, 2017 to February 9, 2020. I began working for USBP in August 7, 1996, and have worked in San Diego, California; New Orleans, Louisiana; Washington, DC; and Tucson, Arizona. While assigned to Tucson Sector I have been assigned to the Nogales Station, the Sonoita Station, and the Sector

Intelligence Unit. I currently have oversight of the Prosecution Program, the Asset Forfeiture Program, Seized Property, and Processing and Transportation.

2. I am familiar with the above-referenced case. I have reviewed the Preliminary Injunction (dated November 18, 2016), Findings of Fact and Conclusions of Law (dated February 19, 2020), and Permanent Injunction (dated April 17, 2020). I am aware that the Permanent Injunction requires that Tucson Sector provide a status report to the Court every 30 days until full compliance with the Permanent Injunction is attained.

In this declaration I reiterate and update the information I provided in my declarations of May 14, 2020 and June 16, 2020.

3. Tucson Sector is in full compliance with the Permanent Injunction.
4. In the past 30 days, the Tucson Sector has held approximately 21 detainees longer than 48 hours. That is a significant difference compared to recent months. In large part, this change is due to the COVID-19 pandemic and the exercise of authority under Title 42 to immediately expel individuals who cross the border into the United States from Mexico. More information and statistics are available at the following CBP website:  
**<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics>.**

**Bed and Blanket for Sleeping**

5. The Tucson Sector is still in the process of renovating the TCC facility to accommodate a limited number of beds meeting detention-industry standards and cloth blankets that are capable of being washed and reused, as outlined by the Permanent Injunction. The renovation is tentatively scheduled to be completed by July 17, 2020. The Tucson Sector continues to use elevated Stack-Bed platform beds for the very few individuals who are processing complete and in custody longer than 48 hours. These individuals are also provided with a mat and a washable blanket.

**Showers**

6. Showers continue to be provided to each detainee in custody for 48 hours.

**Adequate Food**

7. The Tucson Sector worked with a contract dietitian who advised on the dietary requirements constituting adequate food for maintaining detainee health. The dietitian has evaluated and approved sample menus that will provide adequate food for detainees in custody longer than 48 hours. The Tucson Sector intends to work with the dietitian on additional sample menus, but is currently prepared to serve an approved menu to any detainee in custody longer than 48 hours.

**Potable Water**

8. Tucson Sector continues to provide potable water to all detainees.

**Medical Assessment by a Medical Professional**

9. The Tucson Sector continues to have at least one Medical Professional, as defined in the Permanent Injunction, on site 24/7 at the TCC and the following stations: Nogales, Ajo, Casa Grande, and Willcox. All individuals detained longer than 48-hours receive a medical assessment by one of the Medical Professionals.

**Mats in Toilet Areas**

10. Tucson Sector has placed signs prohibiting mats and sleeping in the toilet areas in both Spanish and English.

**Overcrowding**

11. TCA continues to monitor holding areas to prevent overcrowding. The Tucson Sector has not had any instances of overcrowding or exceeding mat capacities in the past 30 days.

**Monitoring and E3DM Documentation**

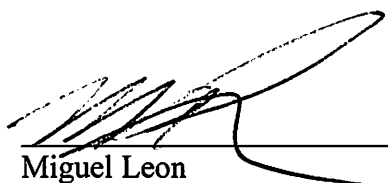
12. E3DM has a new time computation that displays for each detained individual: Time at Tucson Sector. This time computation begins when an individual is booked in to any Tucson Sector facility and ends when the individual is booked out. Temporary book outs are excluded from this time.
13. Time at Tucson Sector is monitored for all detainees, with a visible countdown timer within the e3DM system. Additionally, e3DM utilizes built in stop-reminders when detainees are approaching or reach 48 hours in custody. When the e3DM system

indicates that an individual's time at Tucson Sector has reached 48 hours, e3DM alerts and requires certain actions be taken, such as providing a water shower or a medical assessment. Finally, e3DM now contains updated the custodial actions that may be recorded in e3DM to properly document amenities and services provided.

14. Currently, and since April 17, 2020, it has been the practice in Tucson Sector that when detainees reach 48 hours in custody, showers are made available and detainees are given the opportunity to use the elevated Stack-Bed platform bed.
15. The Tucson Sector continues to follow the requirements of the preliminary injunction, including providing a mat and blanket and paper shower within the first 12 hours in custody. Medical questionnaires are filled out for each individual by an agent. These actions are recorded in e3DM. Additionally, Tucson Sector continues to maintain adequate cleanliness and sanitation.
16. The Permanent Injunction has been posted at each station in an area accessible to all agents. All Border Patrol agents working within the Tucson Sector have read the Permanent Injunction. Tucson Sector agents not currently in a duty status will be required to read the Permanent Injunction when they return to work. As part of its quarterly compliance evaluation, the Tucson Sector Policy & Compliance Division will ensure that all agents carrying out custodial duties have signed a verification that they have read the Order for Permanent Injunction.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed on this 15<sup>th</sup> day of July 2020, in Tucson, Arizona.



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Miguel Leon  
Assistant Chief Patrol Agent  
Tucson Sector Border Patrol